

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Case No. 2:11-CR-374 JCM (CWH)

Plaintiff(s),

ORDER

V.

JASON ANDRE,

Defendant(s).

Presently before the court is *pro se* defendant Jason Andre's motion for a certificate of appealability. (Doc. # 97.)

Also before the court is defendant's motion to set filing date. (Doc. # 98). Defendant asks the court to set a briefing schedule for him to submit further memoranda in support of his certificate of appealability.

The court has already declined to issue defendant a certificate of appealability in the same order defendant seeks to appeal. (*See* doc. # 93). In fairness, the court has looked at the merits of defendant's instant motion and does not find any reason to revisit its previous determination that the defendant "has failed to make a substantial showing he was denied effective assistance of counsel . . ." (Doc. # 93).

Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant Jason Andre's motion for certificate of appealability (doc # 97) be, and the same hereby is, DENIED as moot.

1 IT IS FURTHER ORDERED that defendant's motion to set filing date (doc. # 98) is
2 hereby DENIED as moot.

3 DATED January 27, 2015.

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5 UNITED STATES DISTRICT JUDGE

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